

Entered - 05/17/01 - sb  
CL01L0310 - DIANNE C. MITCHELL

01-R -1029

CLAIM OF: TREMAINE STEWART,  
through his attorney,  
David Trainor  
41 Marietta Street, NW  
Suite 507  
Atlanta, Georgia 30303

For damages alleged to have been sustained as a result of injuries  
sustained during claimant's arrest on November 15, 2000 at 3006  
Delmar Lane.

THIS ADVERSED REPORT IS APPROVED

BY:   
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0310

Date: June 27, 2001

Claimant /Victim TREMAINE STEWART  
BY: (Atty) David Trainor  
Address: 41 Marietta Street, NW, Suite 507, Atlanta, Georgia 30303  
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated  
Date of Notice: 05/16/01 Method: Written, proper X Improper         
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 11/15/00 Place: 3006 Delmar Lane  
Department Police Division:         
Employee involved D. Stribling Disciplinary Action: Not Sustained

NATURE OF CLAIM: The claimant alleges that he was injured during his arrest and that he was illegally detained and searched. An investigation by the Department of Police, Office of Professional Standards found no evidence to prove or disprove the claimant's allegations and the complaint was not sustained against the officer. Furthermore, the City is immune from the tort actions of its police officers as set forth in O.C.G.A. §36-33-3.

INVESTIGATION:

Statements: City employee        Claimant        Others        Written        Oral         
Pictures        Diagrams        Reports: Police X Dept Report X Other         
Traffic citations issued: City Driver        Claimant Driver         
Citation disposition: City Driver        Claimant Driver       

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial         
Improper Notice        More than Six Months        Other X Damages reasonable         
City not involved        Offer rejected        Compromise settlement         
Repair/replacement by Ins. Co.        Repair/replacement by City Forces         
Claimant Negligent        City Negligent        Joint        Claim Abandoned       

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$        Adverse X Account charged: 1A01        2J01        2H01         
Claims Manager: Dianne C. Mitchell Concur/date 06-27-01  
Committee Action:        Council Action

# MALKA & TRAINOR, P.C.

A PROFESSIONAL CORPORATION

## ATTORNEYS-AT-LAW

41 MARIETTA STREET, N.W.

SUITE 507

ATLANTA, GEORGIA 30303

Fax (404) 582-0031

*Mitchell*  
*05/16/01*  
*Oh*

HARRY MALKA, Esq.  
(404) 582-0043

May <sup>15</sup>~~14~~, 2001

DAVID TRAINOR, Esq.  
(404) 582-0000

Ms. Susan Langford  
Atlanta City Attorney  
68 Mitchell Street, S.W.  
Suite 4100  
Atlanta, Georgia 30335

ENTERED - 5-17-01 - SB  
01L0310 - DIANNE MITCHELL

*sent certified Mail 7000 1670 0011 9281 2432*

Dear Ms. Langford:

Pursuant to O.C.G.A. §36-33-5 you are hereby notified that a claim for damages against the City of Atlanta based upon injuries sustained by our client Tremaine Stewart on the 15<sup>th</sup> day of November 2000 at approximately 8:00 P.M. is being presented to you for adjustment.

The facts of the incident leading to our clients injuries follows: On the above date and time Mr. Stewart was beaten by officers of the Atlanta Police Department in the vicinity of 3006 Delmar Lane. A complaint was filed with the Atlanta Police Department where the facts of the matter are more particularly described.

Mr. Stewart was injured as follows: He suffered contusions and lacerations to his body as well as mental and emotional pain and suffering. He was subsequently incarcerated after an illegal detention and search of his person.

Mr. Stewart suffered as a result of the above referenced incident and is entitled to monetary damages.

Mr. Stewart intends to sue for his damages. Please contact our office to settle this matter at your earliest convenience.

Sincerely,  
MALKA & TRAINOR, P.C.

*David Trainor*  
David Trainor  
Attorney at Law

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